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## Attorneys for Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. POTTS, D.D.S., and THE ) Case No. Civ. S-03-0348 JAM DAD  
AMERICAN ACADEMY OF IMPLANT )  
DENTISTRY. )

## Plaintiffs,

Case No. Civ. S-03-0348 JAM DAD

**Order on (1) Defendants' Motion for Summary Judgment and (2) Plaintiffs' Motion for Summary Adjudication**

BRIAN STIGER, in his Official Capacity as Director, California Department of Consumer Affairs, et al.,

## Defendants.

This matter came before the Court on July 14, 2010 on (1) the Motion for Summary Judgment filed by Defendants Brian Stiger, Director, California Department of Consumer Affairs, and individually named members of the California Dental Board (sued only in their official capacity), and (2) the Motion for Summary Adjudication filed by Plaintiffs Michael L. Potts, D.D.S., and The American Academy of Implant Dentistry.

For the reasons stated in the attached transcript of the July 14, 2010 hearing (attached as Exhibit A), both motions are DENIED.

1. The Joint Pretrial Statement is due September 2, 2010.
  2. The Final Pretrial Conference is set for September 9, 2010 at 10:00 in Courtroom Six.
  3. The Bench Trial is set for October 13, 2010 at 9:00 a.m. in Courtroom Six.

IT IS SO ORDERED.

DATED: August 17, 2010

/s/ John A. Mendez

HON. JOHN A. MENDEZ

U. S. DISTRICT COURT JUDGE

1 Approved as to Form

2 FRANK R. RECKER  
3 FRANK R. RECKER & ASSOCIATES CO.,  
L.P.A.

4 and

5 ANN TAYLOR SCHWING  
6 McDONOUGH HOLLAND & ALLEN PC  
7 Attorneys at Law

8 and

9  
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12  
13 By: \_\_\_\_\_ /s/  
14 Attorneys for Plaintiffs

15 EDMUND G. BROWN JR.  
16 Attorney General of the State of California

17  
18 By: \_\_\_\_\_ /s/  
19 Jeffrey M. Phillips  
20 Deputy Attorney General  
21 Attorneys for Defendants

## **Exhibit A**

## **July 14, 2010 Hearing Transcript (Docket # 196)**

## **(1) Defendants' Motion for Summary Judgment and**

## **(2) Plaintiffs' Motion for Summary Adjudication**